

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

CITIZENS FOR CLEAN ENERGY,
ECOCHYENNE, MONTANA
ENVIRONMENTAL INFORMATION
CENTER, CENTER FOR
BIOLOGICAL DIVERSITY,
DEFENDERS OF WILDLIFE,
SIERRA CLUB, and WILDEARTH
GUARDIANS,

Plaintiffs,

and

THE NORTHERN CHEYENNE
TRIBE,

Plaintiff,

vs.

U.S. DEPARTMENT OF THE
INTERIOR; U.S. SECRETARY OF
THE INTERIOR; and U.S. BUREAU
OF LAND MANAGEMENT,

Defendants.

CV-17-30-GF-BMM

**ORDER REGARDING THE STATE OF
WYOMING'S MOTION TO INTERVENE**

Applicant for intervention, the State of Wyoming, has moved for leave of Court to intervene as of right pursuant to Federal Rule of Civil Procedure 24(a)(2). (Doc. 25.) The State of Wyoming also seeks as part of its motion to be excused from filing an Answer in this matter. *Id.* at 2. Plaintiffs do not oppose the State of

Wyoming's intervention in this matter, but they do oppose the State of Wyoming's Motion to the extent that it seeks to be excused from filing an Answer. (Doc. 29 at 3.) Federal Defendants did not oppose. (Doc. 25 at 2.)

Under Fed. R. Civ. P. 24(a)(2), to intervene as of right, an applicant must show that “(1) it has a significant protectable interest relating to the property or transaction that is the subject of the action; (2) the disposition of the action may, as a practical matter, impair or impede the applicant's ability to protect its interest; (3) the application is timely; and (4) the existing parties may not adequately represent the applicant's interest.” *In re Estate of Ferdinand E. Marcos Human Rights Litig.*, 536 F.3d 980, 984 (9th Cir. 2008) (internal quotations and citation omitted).

The State of Wyoming contains a number of coal leases that would be affected by the coal moratorium and potential injunction at issue in this case. (Doc. 26 at 3.) The State of Wyoming also occupies a different position than that of the United States on the basis that the State of Wyoming has unique interests as a high volume coal producing state. *Id.* at 10-12. The Applicant meets the standard for intervention as of right.

The Court will require the State of Wyoming, as an intervening party, to file all required pleadings, including an Answer. The Court would entertain, however, a motion to participate in a limited capacity as an *amicus curiae*.

IT IS ORDERED that the partially opposed motion (Doc. 25) for intervention as of right of Applicant State of Wyoming is hereby GRANTED.

IT IS FURTHER ORDERED that Defendant-Intervenor State of Wyoming must file all required responsive pleadings in this matter, including an Answer.

IT IS FURTHER ORDERED that Defendant-Intervenor State of Wyoming must file its responsive pleading or motion within seven days after the deadline by which Federal Defendants must file their responsive pleading or motion.

The Court will impose briefing word limits on all parties, including intervenors, at the preliminary pretrial conference, which will be scheduled after responsive pleadings or motions are filed in this case.

DATED this 30th day of May, 2017.



Brian Morris
United States District Court Judge